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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,834	04/08/2004	Eduard Hendrikus Johannes Damhuis	FMCNV122546	8501
26389	7590	11/29/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			SOOHOO, TONY GLEN	
			ART UNIT	PAPER NUMBER
			1723	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,834

Applicant(s)

DAMHUIS, EDUARD HENDRIKUS
JOHANNES

Examiner

Tony G. Soohoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-21-05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim interpretation

1. Claims 4 and 6 and 16-17 point out language directed to structural details of the containers and the manner they are stacked in the opening of the drum structure. Whereby the claimed invention is directed to the drum structure and not the combination of the drum and containers, structural details to the container and the relationship of the containers itself in the drum is denied any patentable distinction.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7-8, 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandrock 3484360.

Sandrock shows a drum 12 with holes 13, with reinforcing end walls 10, 11, 22, with a central hole at 14, 10a, and also outer reinforcing ring members 19, 19, and further having lengthwise reinforcing members 25 and 17.

3. Claims 1-6, 11-13; 14-17, 19, 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Zittel et al 6095035.

The Zittel (et al) reference shows a shell 1, drum 40 with holes with reinforcing end walls 36, 36, with a central hole at 26, internal wall portions 44 which would also reinforce the drum, and also outer lengthwise reinforcing members 38

With regards to claims 4-6, 16-17, it is noted that the opening is fully capable to function and to operate to receive any appropriately sized container or basket of containers which would fit inside the hole to be placed into the drum. It is noted that the particular container or basket is denied patentable distinction and deemed as being directed to intended use.

4. Claims 1-6, 14-17, 19, 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Donnellan 1426050.

The Donnellan reference shows a shell 1, drum 23 with holes with reinforcing end walls 29 with a central hole at , internal wall portions 17, 18 which would also reinforce the drum.

With regards to claims 4-6, 16-17, it is noted that the opening is fully capable to function and to operate to receive any appropriately sized container or basket of containers which would fit inside the hole to be placed into the drum. It is noted that the particular container or basket is denied patentable distinction and deemed as being directed to intended use.

5. Claims 1, 11-13 and 14, 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis 2629312.

The Davis reference shows a shell 10, drum 26 with holes with rings 30 and member bars 82 would also reinforce the drum and transverse end walls at the end of the drum

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-10, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis 2629312 in view of Hashimoto et al 5849246.

The Davis reference discloses all of the recited subject matter as defined within the scope of the claims with the exception of having plural spaced apart walls in the interior of the drum with openings to provide the placement of the container in the drum, which further supports the drum 26.

The reference to Hashimoto et al teaches a retort housing 1 and a rotary housing 3 made of plural rotary plates 7, 7a, 7b with an opening 10 to permit the placement of a container holder basket and further having various bars 9 providing a support 11 structure to hold the basket in a rotating housing.

In view of the teaching by the Hashimoto (et al) reference that one may construct the basket and container support with plural plates with openings to form a rotary

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support structure, it is deemed that it would have been obvious to one of ordinary skill in the art to substitute the basket support structure of Davis' such as elements 102, 70, 84 which is fastened to the drum 26 of Davis with a support structure having plural plates and openings and support bars fastened onto Davis' perforate drum 26 such as taught by the Hashimoto reference so that it may better support stacked of that of the type of Hashimoto which thereby also inherently provide additional support to the drum 26 of Davis' device.

With regards to claims 4-6, 16-17, it is noted that the opening seen Davis' in figure 4 is fully capable to function and to operate to receive any appropriately sized container or basket of containers which would fit inside the hole to be placed into the drum. It is noted that the particular container or basket is denied patentable distinction and deemed as being directed to intended use.

Claim 10 use of weld or bolt or clamp as fasteners are old and well known in the art of manufacturing thereby it is deemed that it would have been obvious to one of ordinary skill in the art to use any of such devices to attach the elements together.

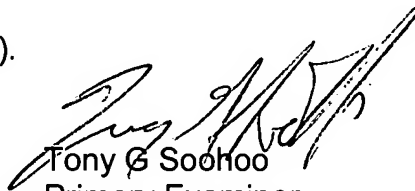
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rodgers 5925155, Jackson 2978229, Planck, Jr et al 5705127, Roumagnac 5770169, Smitch 3532049, Elizondo et al 5245916, and Sandrock 3479271.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 7-5PM, Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tony G Soohoo
Primary Examiner
Art Unit 1723
